

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANDREW STRICK,

Plaintiff,

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## LUCAS BRANDON.

Defendant.

CASE NO. C13-6078 BHS-JRC

## REPORT AND RECOMMENDATION

NOTED FOR:  
FEBRUARY 20, 2015

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creature pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

The Court reviewed the file in this action in preparation for addressing defendants' motion for summary judgment. The Court notes the pretrial scheduling order (Dkt. 19), was returned as undeliverable on November 10, 2014 (Dkt. 22). Since November of 2014, nothing had been filed in the case. The Court has nothing in the record to indicate that plaintiff ever received defendants' motion for summary judgment.

Local Rule 41(b)(2) states:

A party proceeding pro se shall keep the court and opposing parties advised as to his or her current mailing address and, if electronically filing or receiving notices electronically, his or her current email address. If mail directed to a pro se plaintiff by the clerk is returned by the Postal Service, or if email is returned by the internet service provider, and if such plaintiff fails to notify the court and opposing parties within 60 days thereafter of his or her current mailing or email address, the court may dismiss the action without prejudice for failure to prosecute.

After mail was returned as undeliverable, plaintiff had until January 9, 2015 to provide the Court with a current address. Plaintiff has failed to keep the Court apprized of current address. The Court recommends dismissal of this action without prejudice for failure to prosecute. Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of de novo review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on February 20, 2015, as noted in the caption.

Dated this 27<sup>th</sup> day of January, 2015.

J. K. Ward (matins)

J. Richard Creature  
United States Magistrate Judge